United Nations A/63/751–S/2009/135

General Assembly
Security Council

Distr. General
10 March 2009

Original: English

General Assembly
Sixty-third session
Agenda item 17
The situation in Afghanistan

Security Council
Sixty-fourth year

The situation in Afghanistan and its implications for international peace and security

Report of the Secretary-General

I. Introduction

1. The present report is submitted pursuant to General Assembly resolution 63/18 and Security Council resolution 1806 (2008), by which the Council decided to extend the mandate of the United Nations Assistance Mission in Afghanistan (UNAMA) until 23 March 2009. The report reviews the situation in Afghanistan and the activities of UNAMA since my report of 23 September 2008 (A/63/372-S/2008/617).

II. Overview

2. The Government, security forces and population of Afghanistan, along with its international partners, face a critical test in 2009. Security has continued to deteriorate. The results of Government and international aid efforts have fallen short of popular expectations as Afghans suffer the effects of drought and a global rise in food prices. The rule of law has remained insufficiently institutionalized, and respect for international humanitarian law, human rights and accounting for past abuses have continued to be treated as secondary matters. Transparency International, in its *Global Corruption Report 2008*, ranked Afghanistan among the worst countries in terms of governmental corruption.

3. At stake over the next six months is the relegitimization of the Government's authority through credible elections, as well as the continuation of the constitutional order that emerged from the Bonn process.

4. Elections for the presidency and provincial councils are planned for the summer of 2009. The election date, which for logistical, financial and security reasons was set by the Independent Electoral Commission for 20 August 2009, three

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months after the expiration of the presidential term on 22 May 2009, has generated constitutional uncertainty over the President's legitimacy after 22 May.

5. There is a general consensus that the insecurity caused by those who oppose the Government cannot be addressed by military means alone. Reconciliation needs to be part of an inclusive political process beyond elections. It should be Afghan-led, enjoy a broad consensus of key Afghan and international stakeholders, respect the Constitution and be pursued from a position of military and political strength. The current constitutional debate renders progress on these preconditions and the development of a comprehensive strategy for reconciliation problematic.

6. Political and military efforts must be complemented by a more robust commitment to supporting Afghanistan's development strategy in a more coordinated way. The surge in attention and resources that Afghanistan has received in recent months is welcome. However, what we have learned over the past seven years is that this alone is not enough. Resources must be used intelligently, according to a coordinated and comprehensive plan whose goal is to enable all Afghans to bear responsibility for their future. The essence of this plan was agreed at the Paris Conference in June 2008 and is being articulated on the ground through specific efforts to improve aid effectiveness, build Afghan capacity and institutions, focus on the prioritized definition of the country's development needs, improve delivery of assistance to the provinces and promote regional cooperation.

7. My Special Representative, Kai Eide, and the staff of UNAMA have pressed on with the implementation of the Mission's mandate. On key issues, the international actors and the Afghan Government responded positively to these efforts. As a result, some long-standing problems are now being addressed. Examples include the agreement between the Afghan Ministry of Defence and the International Security Assistance Force (ISAF) to address the adverse consequences of military operations on civilians, the strengthening of key ministries, streamlined coordination mechanisms, progress on counter-narcotics and some tangible benefits derived from improved regional economic cooperation. Still, the effectiveness of the Mission's role continues to depend on a willingness by others to be coordinated. The vast majority of international funds continue to be spent outside Afghan Government or United Nations channels. Similarly, the implementation of the Mission's civil-military coordination mandate depends on the willingness of the 41 nations contributing to ISAF to work with the United Nations.

III. Key political developments

A. Elections

8. The upcoming elections have shaped and dominated the political environment in Afghanistan. On 28 January 2009, the Independent Electoral Commission announced that the presidential and provincial council elections would be held on 20 August. The Commission referred to the need to ensure "universality, fairness and transparency", which would be jeopardized by holding elections in the spring, a time when large portions of the electorate would be inaccessible because of geography and climate.

9. Some members of parliament reacted to the Independent Electoral Commission's decision by arguing that according to the Constitution the presidential term ends on 22 May, and that the 20 August election date would therefore create a three-month vacuum of executive authority. On 28 February, President Karzai issued a decree requesting the Commission to ensure that elections were held in accordance with all relevant articles of the Constitution. This was interpreted in the media as meaning that elections should be held before May. On 4 March, the Commission issued a statement reaffirming its previous decision to set 20 August as the election date.

10. The Independent Electoral Commission is supported technically by the United Nations (through the United Nations Development Programme Enhancing Legal and Electoral Capacity for Tomorrow (UNDP-ELECT) project) and financially by international donors. Voter registration began in early November and ended on 20 February. It proceeded with few security incidents, allowing, according to the Commission's figures, the registration of 4,419,275 voters (38 per cent of whom were women), including 546,533 in the most volatile provinces. The registration process was an update aimed at voters who had lost their cards, moved within the country or become eligible to vote after 2005. Voters who registered for the 2004 and 2005 elections and who still have their registration cards will be able to use them in the forthcoming elections. During the first registration exercise, in 2003 and 2004, approximately 11 million were registered; in 2005, 1.7 million voter registration cards were issued. Given that a census has not yet been conducted in Afghanistan, there is no accurate baseline for the number of eligible voters, rendering assessments of the accuracy of the voter registry, and consequently voter turnout, problematic.

11. With the completion of the voter registration, planning for the electoral process accelerated. On 19 January, the Independent Electoral Commission presented to international donors a budget of approximately $220 million covering the costs of the 2009 elections. Apart from technical support provided by UNDP-ELECT, UNAMA is establishing a unit within its political pillar to work with political parties, observers, civil society organizations and other groups and institutions to promote as much as possible a political climate that is conducive to free and fair elections.

12. During the reporting period, the National Assembly discussed pressing national issues, such as the ongoing insecurity, humanitarian issues and the electoral date. The Assembly also continued to exercise its oversight role, generally backing reform processes and reform-oriented ministers. It confirmed President Karzai's nominees for new Ministers of Agriculture, Education and Interior, while exercising its no-confidence powers against the former Minister of Commerce and Industry, accused of connections with a cartel allegedly controlling food and fuel prices.

B. Regional environment

13. Regional economic cooperation received increased attention. On 14 December 2008, in Paris, at an informal meeting at the ministerial level, Afghanistan, its neighbours and key international stakeholders agreed to identify specific priority projects in time for the Regional Economic Cooperation Conference in Islamabad in April 2009. An agreement with Uzbekistan on the provision of electricity allowed

the nearly full restoration of power to parts of Kabul following the completion of a transmission line across the north of the country. Additional energy and water-management projects with the northern neighbours of Afghanistan are being designed.

14. There was progress on political cooperation within the region, especially with Pakistan. On 9 January 2009, the President of Pakistan, Asif Ali Zardari, made his first visit to Afghanistan and met there with President Karzai, although the two Presidents had met several times before. Their two Foreign Ministers issued a joint declaration calling for a "new visionary chapter" in their relations and pledged, with international support, "to counter and completely eliminate the menaces of militancy, extremism and terrorism from the region".

15. This renewed relationship allowed the resumption of initiatives such as the Peace Jirga process. Pakistan named its 25 members to the Jirgagai, the joint Afghan-Pakistani subcommittee responsible for driving the process; the Jirgagai met in Islamabad on 27 and 28 October 2008, recognized militancy and terrorism as common threats requiring a coordinated response and emphasized the need for dialogue with opposition groups in both countries.

16. On 2 January, the Pakistani Army Chief of Staff, General Pervez Kayani, took part in the twenty-sixth meeting of the Tripartite Commission, a forum for regional military cooperation comprising Afghan, Pakistani and ISAF representatives.

C. Integrated approach

17. An integrated approach is being designed and piloted by the international community and the Afghan Government to ensure a more coherent and effective use of civilian and military resources. The approach is premised on the fact that the varying security and governance conditions across the country demand different assistance responses. In the relatively stable north and west of Afghanistan, increasingly poppy-free, but poor, the main focus must be on economic development. In the insecure south and east, where Government agencies have a tenuous presence, the challenge is to build the capacity of Afghan security forces and link communities to the Government. In between, there are areas where security has deteriorated, but concerted interventions in the areas of policing, justice and governance can reverse this decline. In all areas, the integrated approach is underpinned by the following common principles: there must be a genuine Afghan Government lead; there is no purely military solution to the country's instability; and civilian and military resources need to be committed where they can have the greatest impact. Where military resources are used for humanitarian assistance, they must be governed by humanitarian principles and agreed guidelines.

18. The Integrated Approach Working Group, formed in November 2008 and bringing together the Independent Directorate for Local Governance, UNAMA, ISAF and key donors, has begun to set priorities and the sequencing of activities. It has identified 51 critical districts, of which 5 have been fast-tracked for political profiling and joint assessments. In consultation with relevant development actors, these assessments will lead to coordinated programming and delivery of assistance.

IV. Security

19. According to United Nations statistics, 2008 ended as the most violent year in Afghanistan since 2001, with 31 per cent more incidents than in 2007. The second half of 2008 saw an average of 857 incidents per month, against 625 per month during the first six months. A mild winter has provided an environment for high levels of violence at a time that traditionally sees a decrease in hostilities. Specifically, there were 42 per cent more incidents in December 2008 than in December 2007, and 75 per cent more in January 2009 than in January 2008.

20. Two trends identified in the previous report further worsened: attempts by insurgents to destabilize previously stable areas and increased use by insurgents of more sophisticated asymmetric attacks, with an increasing disregard for the lives of civilians.

21. These attacks, including assassinations, intimidation, abductions, stand-off attacks, use of improvised explosive devices and suicide attacks, increasingly targeted civil servants, religious scholars, the aid community and road construction projects. The numbers of each type of incident increased in the second half of 2008, and such incidents continued to occur into 2009, including the coordinated armed and suicide attacks against multiple Government ministries in Kabul on 11 February.

22. The direct targeting of international aid organizations by insurgents continued, with the assassination of a female international aid worker in Kabul in October and the abduction of another international aid worker in November, also in Kabul. The United Nations is not exempt, having suffered a number of incidents of various types during the year.

23. Insurgents continued to expand their presence in previously stable areas. The north-western province of Badghis and the neighbouring province of Faryab became a battleground through the winter, with a significant increase in insurgent action. For example, in the ambush and near-total destruction of an Afghan military and police convoy in November in the district of Bala Murghab, in Badghis, 40 Afghan security forces personnel were killed and over a dozen abducted. This increase in insurgent presence severely hampered humanitarian and development efforts in previously accessible areas.

24. Throughout the reporting period, freedom of movement of unarmed civil servants was reduced by the intensified fighting and the increased campaign of intimidation and assassination. As of December 2008, 231 of the country's approximately 400 districts continued to report near-total accessibility, while 10 were considered completely beyond the Government's control and access to 165 remained difficult or problematic. While the number of districts that are nearly or completely inaccessible to civil servants did not change significantly since 2007, about 30 districts are in danger of losing accessibility. It is in such districts that UNAMA, together with the Government and ISAF, is pursuing the integrated approach.

25. There are currently no indications that the security situation will improve before the summer of 2009. Insecurity will potentially continue to rise, and as asymmetric attacks increase, together with armed clashes, the safety of aid personnel will further deteriorate. Factors contributing to this include the forthcoming elections, a possible rise in incidents as a result of increased

international military forces, reports of increased foreign jihadist fighters in Afghanistan and the stated aims of insurgents to continue to interdict Government and military logistic supply lines around the country, the same routes used by humanitarian and development programmes.

V. Security sector and rule of law

A. Afghan security forces

26. The Afghan National Army currently consists of five corps of two to four brigades each, which serve as regional commands mirroring the ISAF Regional Command structure. Ten provinces remain without a permanent presence. In September 2008, the Joint Coordination and Monitoring Board approved the expansion of the army from 84,000 to 134,000 troops by 2011. The Afghan National Army has improved its ability to plan, execute and lead tactical combat operations. It successfully performed joint and combined operations during the voter registration phases and, since 28 August 2008, has begun to assume lead responsibility for security in Kabul and increasingly in the provinces.

27. The cornerstone of efforts to strengthen the Afghanistan National Police is the Focused District Development project, bringing district police forces for intensive training to Kabul and then reinserting them in their districts. Since October 2008, the programme has covered 21 districts, bringing the total number of districts whose police forces have been retrained to 52. The project is constrained by the lack of international police trainers and mentors.

28. Police reform requires developing anti-corruption measures within the Ministry of Interior and reinforcing the intelligence and investigative capacities of the Afghan National Police. Improving security in principal cities and along highways and ensuring that the 2009 elections are conducted in a free, fair and transparent manner are the short-term priorities for the new Minister of Interior. Progress towards each objective will be monitored by the International Police Coordination Board. Financial incentives for police officers were increased, in the form of both a general pay raise and a pilot programme to provide hazard pay to police serving in volatile areas.

B. International forces and civil-military coordination

29. ISAF now has approximately 55,000 troops from 26 North Atlantic Treaty Organization (NATO) and 15 non-NATO countries. Coalition force personnel operating under United States command are believed to number approximately 14,000. The Combined Security Transition Command — Afghanistan, which reports having over 7,000 members, including contracted civilian trainers and mentors, is responsible for assisting the development of the National Army and the National Police.

30. In September 2008, the United States Forces Afghanistan, a command and control headquarters for United States forces in the country, was established under the ISAF Commander, General McKiernan. With this unification of command,

coordination between United States elements, within and outside ISAF, is expected to improve.

31. Along with the integrated approach described above, additional improvements in civil-military coordination were made during the reporting period. The Afghan Government assumed chairmanship of the Provincial Reconstruction Team Working Group and its Executive Steering Committee. The first Steering Committee meeting since June 2007 was held on 29 January 2009. UNAMA was invited to participate in NATO predeployment training for military staff. Regular meetings between my Special Representative, his staff and UNAMA military counterparts continued to provide a high-level communication channel. Afghanistan-specific guidelines on the coordination of humanitarian actors and military actors were developed and agreed to, but need to be better disseminated and implemented.

32. Another positive development was the issuance by General McKiernan of two directives, in September and December 2008, aimed at reducing the number of civilian casualties and establishing a civilian casualties tracking cell to improve the collection of relevant data. In addition, on 13 February 2009, Afghan Defence Minister Abdul Rahim Wardak and General McKiernan jointly announced a coordination agreement whereby Afghan forces would be given a greater role in the planning and execution of operations, including house searches and arrests.

33. Still, there are obstacles to the further improvement of civil-military coordination. For the United Nations, the challenge is that a coherent, overarching approach has to encapsulate the entirety of its agendas, including human rights, political, development, military advisory and humanitarian efforts. On the ISAF side, the frequent turnover of military personnel, classification restrictions on the sharing of information, restricted access to ISAF compounds and differences in planning styles are complicating factors.

C. Rule of law

34. The design of justice sector reform is contained in the National Justice Sector Strategy, to be implemented through the National Justice Programme, which established mechanisms to facilitate the efforts of the Government and donors in these areas. One of these mechanisms is the Programme Oversight Committee, overseeing the implementation of the Justice Sector Reform Project, led by the Government and administered by the World Bank. Another mechanism, the Board of Donors, formed in January 2009, assists the Government in linking donor support with the National Justice Programme and provides the Programme Oversight Committee with strategic advice.

35. At the provincial level, the United Nations-led Provincial Justice Coordination Mechanism completed the first legal assessment of the criminal justice system in Afghanistan, covering 27 provinces. The results of this assessment will support the coordinated allocation of donor resources.

36. The recently created High Office of Oversight for the Implementation of the Anti-Corruption Strategy opened its Kabul headquarters and began to hold regular meetings with the President, the Supreme Court, the Attorney-General and the Ministry of Justice. In order to prosecute corruption cases effectively, the Office of

the Attorney-General established an Anti-Corruption Unit and started an anti-corruption campaign.

37. Progress on the justice sector is hampered by the lack of resources available to the Supreme Court, the Office of the Attorney-General and the Ministry of Justice. These institutions lack qualified and experienced judges and prosecutors as well as adequate infrastructure. Detention centres and prisons in Afghanistan are in a serious state of neglect. Reform of the civil service of these institutions, however, has begun. The Ministry of Justice, in particular, has completed the priority reform and restructuring phase of administrative reform.

D. Mine action

38. With Government and United Nations support, the Mine Action Programme for Afghanistan continued to make progress towards the goals outlined in the Afghanistan Compact. During the second half of 2008, over 42,000 anti-personnel mines, 500 anti-tank mines and 1.5 million explosive remnants of war were destroyed and hundreds of communities had their land freed from the threat of mines. Mine-risk education reached 800,000 Afghans. Advocacy for the rights of landmine survivors and other persons with disabilities continued.

39. The launching of community-based demining projects in Helmand, Kunar and Uruzgan has been particularly noteworthy. These activities, targeted at marginalized communities with limited infrastructure or support, are aimed at bringing direct socio-economic and stability dividends into areas in the south and east of the country. The impact of previously completed demining activities along the route of electricity transmission lines from Uzbekistan contributed to the significant increase in power supply to Kabul in February 2009.

40. Despite these achievements, mines remain a major threat to human life, peace and security in the country, with an estimated 2,082 contaminated communities still in Afghanistan. Progress continues to be hampered by a funding shortfall, with an estimated $53 million in additional funds required in 2009 to ensure reaching the Afghanistan Compact benchmarks.

E. Counter-narcotics

41. The Ministry for Counter-Narcotics and the United Nations Office on Drugs and Crime jointly released the *Afghanistan Opium Winter Rapid Assessment* report on 1 February 2009. The survey projects a possible further decrease in opium cultivation in 2009, resulting from a decrease in the main poppy cultivation areas of the south-west and south, and a possible increase in the number of poppy-free provinces to 22. Opium cultivation is mainly confined to the most unstable provinces in the south and south-west: Farah, Helmand, Kandahar, Nimroz, Uruzgan, Daikundi and Zabul.

42. The forecasted decline in poppy cultivation is attributed to a combination of effective Government action at the provincial level, the rise of food prices and the decline of opium prices as a result of accumulated stockpiles. To sustain the decrease in poppy cultivation, effective eradication initiatives must be coupled with alternative livelihood programmes, increased incentives for good governance in

poppy-free provinces, destruction of laboratories, countering corruption among officials and law enforcement officers, and prosecution of drug traffickers.

43. On 4 September 2008, Judge Alim Hanif, Head of the Appeals Court Division of the Central Narcotics Tribunal, was assassinated in Kabul. There are strong indications that the murder of Judge Hanif was related to his anti-narcotics role.

44. Anti-narcotics efforts within Afghanistan have been complemented by a regional approach. The United Nations Office on Drugs and Crime "rainbow strategy" promotes a series of measures to reduce the supply, trafficking, and consumption of opium within the region. It contributed to significant seizures of precursor chemicals in the Islamic Republic of Iran, Pakistan and Kyrgyzstan, in support of Security Council resolution 1817 (2008). The creation of a joint planning cell in Teheran at the end of 2008 provides an opportunity for Afghanistan, the Islamic Republic of Iran and Pakistan to design joint operations and exchange intelligence in the fight against illicit narcotics.

VI. Governance

45. United Nations governance activities are aimed at consolidating governmental processes and institutions to meet societal needs. The focus of these activities has been on bringing transparency, integrity and consistency to senior appointments in order to combat corruption and improve the functioning of Government institutions. Ongoing efforts to strengthen Afghan Government institutions received a boost last October after President Karzai appointed new ministers to lead key ministries. In the past four months, the Office of the President has given full support to the new senior appointments panel, which began to function effectively at the end of 2008.

46. In an effort to create incentives to improve the capacity of the Government to deliver services, the implementation of reform through pay and grading is progressing in five Ministries (Agriculture, Rural Rehabilitation and Development, Finance, Education and Justice). Planning is under way to reform an additional five ministries beginning in March 2009.

47. Improvements to governance are particularly required at the subnational level, where the delivery of services and assistance is a factor in local perceptions of Government effectiveness and legitimacy. Access limitations are a major impediment to service delivery in some parts of the country, as is the difficulty encountered by the central Government in allocating funds in a regular manner, and in accordance with provincial development plans.

VII. Afghanistan National Development Strategy and the Joint Coordination and Monitoring Board

A. Aid coordination and effectiveness

48. The Afghanistan National Development Strategy and the priorities set at the Paris Conference remain the blueprint for the overall peacebuilding and development agenda in Afghanistan. Since my last report, the United Nations has cooperated closely with the Afghan Government to strengthen the Joint

Coordination and Monitoring Board with the establishment of three Standing Committees, for security; governance, rule of law and human rights; and economic and social development. This new structure streamlines the previous complex array of permanent consultative groups. For its part, the Afghan Government has set up 12 of 16 planned inter-ministerial committees, where technical coordination in all sectors will take place.

49. The Joint Coordination and Monitoring Board met on 30 November 2008 and focused on counter-narcotics, Afghan security forces reform and governance. The Board also decided to focus joint efforts on five key sectors of the National Development Strategy: energy; agriculture; higher education and vocational training; capacity-building; and private sector development.

50. Alignment of the external and core budgets with the National Development Strategy and the Paris priorities remains a major challenge. In the budget for fiscal year 1388, starting on 21 March 2009, the priority sectors of agriculture, infrastructure and energy are severely underfunded.

51. There continues to be a significant underinvestment in agriculture. Of the country's total 7.9 million arable hectares, less than half is cultivated, mostly owing to a lack of irrigation. Pre-war irrigation systems are damaged, operating at about 25 per cent efficiency and covering only one third of the pre-war irrigated areas. Poor irrigation impedes the development of the country's agricultural export potential.

52. Despite these challenges, there were notable developments, particularly in the area of regional technical cooperation. Among the most positive was the February 2009 restoration of near-full power to parts of north-west Kabul and 12 to 15 hours of daily supply to other parts, dramatically improving the quality of life. A recent agreement with Tajikistan should result in further improvements in transmission by the summer of 2010.

53. Much of the international community's investment in the rural sector came through the National Solidarity Programme, providing financial support to projects identified and implemented by local communities. The appointment of a new Minister of Agriculture created an opportunity to link community-based projects with the goals of the National Development Strategy, including larger-scale irrigation schemes and other projects intended to increase agricultural output. The new Minister has committed to presenting a package of proposals at the next Joint Coordination and Monitoring Board meeting, prior to the spring planting season.

54. A number of larger-scale infrastructure projects were also completed. These include the installation of a new turbine in the Kajaki dam in Helmand and the completion of the 218-kilometre road linking Zaranj, on the Iranian border, to the Afghanistan ring road. In the south-east, the 117-kilometre road from Gardez to Khost should be completed this year, connecting to the Pakistan border. These projects were or are being carried out in the face of fierce resistance from the insurgents and at the cost of the lives of engineers, workers and security guards. Other important infrastructure projects being implemented despite similar threats include the rehabilitation of a copper mine in Logar, the Salma dam in Herat and the paving of segments of the ring road in Faryab and Badghis.

55. UNAMA assessed the distribution of development assistance across the country's 34 provinces and worked with donors to develop a single Government

database for information on donor contributions. A proposal will be submitted to the Joint Coordination and Monitoring Board at its next meeting.

B. United Nations country team

56. The United Nations country team is operating in an environment where it has to run development and humanitarian programmes in parallel. Despite the increasingly difficult security challenges, progress has been made on both fronts. The 31 members of the country team are working in alignment with the Afghanistan National Development Strategy. The priority areas of the draft United Nations Development Assistance Framework — governance, livelihoods and basic services — relate closely to the Paris agenda priorities of agriculture, capacity-building, education, income generation and the improved delivery of services to all Afghans.

57. The country team decided to change its service delivery in three ways. It will concentrate more on delivery at the subnational level, focus more on agriculture and income opportunities and improve the coherence of programming in five to six of the more stable provinces, where the balance between needs and assistance provided is particularly uneven.

58. The Resident Coordinator's Office conducted a review of the programmes of 18 United Nations agencies in the light of the Paris agenda. It found that the total value of United Nations agencies' current programmes in Afghanistan amounts to $3.5 billion. This includes $1.1 billion for strengthening institutions and governance; $350 million for strengthening democracy and supporting elections; $850 million for food security; $150 million for agriculture; $600 million for programmes aimed at creating economic opportunities and supporting livelihoods, especially in rural areas, and $200 million each for the education and health sectors, focusing particularly on capacity-building.

VIII. Human rights

59. Afghanistan continues to be confronted by serious human rights challenges linked to long-standing problems such as weak governance, entrenched impunity, lack of attention to transitional justice, extreme poverty and discriminatory laws and practices, in particular against women and girls. These problems are compounded by the intensifying armed conflict. The transformation of Afghanistan into a peaceful, pluralist society is threatened by growing restrictions on freedom of expression.

60. The widespread abuse of power by those in positions of authority, coupled with arbitrary detentions and the continued failure of the judiciary to respect fair trial guarantees or to operate in a just and independent manner, helps sustain the prevailing culture of impunity.

61. The Action Plan for Peace, Reconciliation and Justice failed to meet its objectives within the time frame initially envisaged. Reinvigorating the transitional justice agenda is an urgent challenge. The Government and the international community have particular responsibilities to address the concerns of a significant majority of Afghans, who have repeatedly underlined their desire for a just and sustainable peace. The United Nations is reviewing measures needed to safeguard

material evidence pertinent to alleged crimes, including allegations of tampering with mass grave sites.

62. Freedom of expression remains precarious, with continued reports of intimidation of journalists by State and non-State actors. The courts are failing to uphold the right to freedom of expression, as evidenced by the heavy sentences handed down in two high-profile blasphemy cases on appeal to the Supreme Court. The Media Law, passed by the parliament in September 2008, contains ambiguous provisions that could be used to block political discussion. Ensuring freedom of expression during the upcoming presidential and parliamentary elections is a major challenge.

63. The resumption of the implementation of the death penalty is disquieting given manifest deficiencies in due process and fair trial guarantees. At least 16 prisoners convicted of criminal acts were executed by the State in November and December 2008. It is estimated that 110 prisoners remain on death row. Adequate procedural guarantees to protect the rights of those charged with capital offences are not in place; implementation of the death penalty therefore risks perpetuating injustice rather than addressing legitimate concerns about national and public security.

A. Gender

64. Women in public life were increasingly subjected to threats and intimidation. The assassination of the most prominent female senior police officer in Kandahar in September 2008 illustrated the tremendous risks they face. The lack of access for women, in particular victims of sexual violence, to redress mechanisms, legal, medical or psychosocial, remained a serious obstacle to addressing this problem. Female victims of rape continued to face social condemnation and risked prosecution for what is considered unlawful sexual activity. As a result, sexual violence is concealed and underreported.

65. The Afghan Government's awareness of gender in policy implementation has improved, as demonstrated by several initiatives towards gender-sensitive programming, in line with the Afghanistan National Development Strategy and the National Action Plan for Women in Afghanistan. However, the status of women in Afghanistan remains one of the lowest in the world; the maternal mortality rate is one of the highest, in some rural areas estimated to be more than 6,500 per 100,000 live births. In 2007, only 25.7 per cent of pupils who completed primary education were girls, and trends show that the proportion of girls in school is declining. The participation of women in employment, especially in the civil service, declined from 25.9 per cent in 2005 to 22 per cent in 2007. Afghanistan is in danger of reversing the gains that have been made to improve the well-being and status of women and girls.

B. Protection of civilians

66. UNAMA recorded 626 civilian casualties between September and December 2008, making a total of 2,118 civilian casualties for the year, mostly in the south, south-east and east of the country. This represents an increase of 40 per cent over the figures for 2007. Some 55 per cent of civilian deaths in 2008 were caused by the insurgents and 39 per cent by international and national Afghan forces (the

remaining 6 per cent could not be attributed to any of the parties to conflict). Suicide attacks accounted for 34 per cent of all civilian casualties in 2008.

67. Anti-Government elements remain responsible for the largest proportion of civilian casualties, demonstrating in their tactics a disregard for the lives of civilians. Civilian deaths caused by anti-Government elements rose from 700 in 2007 to 1,160 in 2008 — an increase of over 65 per cent. On the side of pro-Government forces, changed tactical directives and other measures to minimize the impact of security operations on non-combatants are welcome. However, civilian casualties continue to be reported, occurring allegedly as a result of operations conducted by pro-Government forces, with air strikes alone accounting for an estimated 68 per cent of such fatalities.

68. In addition to fatalities as a direct result of armed hostilities, civilians suffered from injury, threats and intimidation, as well as loss of livelihoods, forced displacement and destruction of property.

69. UNAMA continues to play a central role in the monitoring and reporting of grave child-rights violations, pursuant to Security Council resolution 1612 (2005). Children continue to be victims of the escalating conflict. There are allegations of recruitment of children by armed groups in the south, south-east and east. Children were also captured, arrested and detained by Afghan law enforcement agencies and international military forces because of their alleged association with armed groups.

70. There was an increase in attacks on schools from previous years, including a disturbing incident in November 2008, when Taliban militants attacked a group of girls en route to school by throwing acid in their faces. Between January and November 2008, 275 attacks against schools were reported, resulting in the deaths of 66 people and injuries to 64 others, mostly children.

IX. Humanitarian situation

71. The impact of conflict reduced access to essential services and affected livelihoods and coping mechanisms; it also intensified the challenge for the humanitarian agencies to address the needs of the population. Geographic areas that were once accessible are now largely out of reach for most humanitarian organizations. In September 2008, I decided to establish an office of the United Nations Office for the Coordination of Humanitarian Affairs in Afghanistan in view of the worsening humanitarian situation. The new office is part of the United Nations country team and reports to my Special Representative through my Deputy Special Representative, who also serves as the United Nations Humanitarian Coordinator. The dedicated humanitarian coordination capacity of an office of the Office for the Coordination of Humanitarian Affairs will facilitate the humanitarian response of the United Nations to the challenges in the country, building on the existing humanitarian coordination structures.

72. The most immediate priority for the Office for the Coordination of Humanitarian Affairs office has been to facilitate the development of the Humanitarian Action Plan, the first since 2002, which was completed and presented to donors in January. The Plan includes $604 million in submitted projects, a large number of them from non-United Nations partners. In July 2008, the $404 million Afghanistan joint emergency appeal to address high food prices and the drought

crisis was launched by the Government and the United Nations to assist nearly 2 million people. That appeal, which was, unfortunately, only about 50 per cent funded, has now been superseded by the Humanitarian Action Plan.

73. Owing to poor rainfall, the year's cereal harvest was the smallest since 2002, and more than 5 million people are in need of immediate food assistance. Approximately 1.2 million children under the age of five and 550,000 pregnant or lactating mothers in 22 provinces remain at high risk of severe malnutrition. Water shortages may also lead to the displacement of vulnerable populations. United Nations agencies constructed over 800 watering points in returnee and drought-affected areas. Winterization efforts continued through pre-positioning and delivery of foodstuffs and non-food items. By January 2009, the World Food Programme had pre-positioned 98 per cent of its planned assistance for 963,000 beneficiaries in 24 provinces, and the Office of the United Nations High Commissioner for Refugees (UNHCR) provided non-food items to 212,000 vulnerable returnees and internally displaced persons.

74. In 2008, some 278,000 registered refugees had returned to Afghanistan and been assisted by UNHCR; 98.5 per cent of them returned from Pakistan. Some 10 per cent of returnees were unable to return to their place of origin due to insecurity, socio-economic hardships and land disputes. The Afghanistan National Development Strategy sector strategy on refugee returns and internally displaced persons, launched jointly by the Government and UNHCR in November 2008, called for increased investment to support returnee reintegration over the next five years to stabilize population movements.

75. Following the completion of the first national profile of internally displaced persons in December 2008, a national strategy will need to be developed to support solutions for the over 230,000 internally displaced persons identified. Some 600 families returned to their place of origin in 2008. The inter-agency contingency planning for increased displacement in the context of a deteriorating security situation will be important in 2009.

76. The World Health Organization (WHO)-supported Disease Early Warning System identified and responded to serious diseases, including Crimean-Congo haemorrhagic fever and cholera, resulting in very low case-fatality rates. The United Nations Children's Fund has been able to scale up programmes in the area of child survival and health and assist millions of children through local partners as well as Government counterparts. Vaccination campaigns continued. Yet, in spite of repeated rounds of national and subnational polio immunization days, polio remained endemic in the country because of insecurity and limited access to some communities. Innovative approaches were devised to allow vaccination in insecure areas. Coordination with ISAF provided opportunities in conflict areas to vaccinate children during relatively calm periods. WHO increasingly uses local partners to implement vaccination campaigns.

77. Children are frequently caught between opposing sides in the ongoing conflict in the southern and eastern regions and caught up in asymmetric attacks in the north-east, west and central regions. Children's education, particularly that of girls, is seen as anti-Islamic by the Taliban, turning children into targets. In September 2008, insurgents burned over 100,000 textbooks being transported to Kandahar. The education community also continued to suffer extreme violence. From June to December 2008, there were 202 incidents, resulting in 83 deaths and 164 injuries.

X. Mission operations and support

78. As a result of the expanded and sharpened UNAMA mandate, the General Assembly agreed to a 91.5 per cent increase in the Mission's 2009 budget, which includes an increase in the number of international staff by 115, national Professionals by 57, national support staff by 249 and United Nations Volunteers by 16. The budget also provides for the opening of four additional provincial offices in 2009 (in Ghazni, Sar-e-Pul, Helmand and Farah). One new provincial office, in Baghlan, was opened in 2008. The Uruzgan office, previously forecast to open in 2008, is scheduled to open shortly. By the end of 2009, therefore, UNAMA should have 15 provincial offices in addition to its 8 regional offices. The Mission will continue to use its liaison offices in Islamabad and Teheran to support activities of a regional dimension; the 2009 budget allows for strengthening the UNAMA liaison offices.

79. All regional and provincial offices must be self-sufficient, particularly with regard to power generation, water accessibility, communications and information technology, vehicles and provision of fuel. Establishing these new offices in the first part of the year will be a major focus of the UNAMA support services. The expansion of the Mission's geographic coverage will also require the deployment of additional administrative and technical staff to provide on-site support in the areas of engineering, transportation, security, communications, information technology and cash flow.

80. The planned expansion resulted in the need for more air assets for the Mission for 2009 to facilitate increased air support required by the field offices, given the reduction in road missions as a result of the security situation and the need to gain access to certain locations quickly in the event of medical evacuation and/or relocation of staff.

81. Finally, the increase in staff places a significant burden on the Mission's recruitment capacity. In late 2008, the Department of Field Support sent a team to UNAMA for three months to assist in recruitment. Between April and December 2008, by making recruitment a priority and obtaining delegated authority, UNAMA was able to reduce its staff vacancy rate from approximately 30 per cent to 10 per cent. The end-of-year attrition rate also appeared to be lower than in previous years; this can be attributed partly to the Afghanistan special allowance obtained in June 2008 for international staff serving there.

XI. Observations

82. **As I wrote in my report issued following the Paris Conference in Support of Afghanistan in June (S/2008/434), I believe that the mandate of UNAMA contains all the formal elements required for it to play a central coordinating role in Afghanistan. The 2009 budget adopted by the General Assembly increases the Mission's capacity to implement its mandate. Therefore, I recommend that the current mandate, which was renewed by the Security Council in its resolution 1806 (2008) until 23 March 2009, be extended for a further 12 months. It is clear that support for the electoral process is particularly relevant over the coming months. In addition to the provision of technical support and the coordination of donors, the 2009 UNAMA budget**

provides for a political-electoral unit to work with political parties, civil society, candidates and other political actors to verify the exercise of political rights, provide mediation and good offices on electoral issues and host forums for coordination among political party leaders and candidates. In carrying out such activities, UNAMA will continue to act in an impartial manner, leading the efforts of the international community, with the goal of ensuring a fair, transparent and credible process.

83. When I visited Kabul in February, I stated that 2009 would be a critical year for Afghanistan. Electoral politics would test the country's still fragile political consensus, and insecurity, according to almost every expert, would get worse before it got better. This remains my view. I reassured President Karzai of the support of the international community in working with Afghans to improve the country's security and more fully develop its economic and political institutions.

84. I have confidence in the overall strategy elaborated by Afghans and their international partners, endorsed by the Afghan Government and nearly 90 donors in Paris in June 2008. This strategy is, in a few words, to prioritize, rationalize and "Afghanize". The agriculture, energy and infrastructure sectors have been identified as priorities. The principles of aid effectiveness, including reporting on how money is spent and stronger anti-corruption measures, serve to ensure that assistance resources are spent rationally. Finally, the emphasis on capacity-building and the use of the Afghan budget as a programming mechanism will secure Afghan ownership of the process. This strategy is also being pursued by the new integrated approach advanced by my Special Representative, based on the reality that different regions of Afghanistan have different conditions of governance, aid absorption and access, and therefore require different approaches by different actors.

85. I have been heartened that the various strategic reviews being undertaken by some Member States and organizations increasingly appear to be leading to policies and resource allocations that fit within the overall strategy described above.

86. We should expect that the upcoming elections will be tightly contested. This, in itself, is a sign of progress, even as it tests the constitutional order of Afghanistan. This test is most evident in the debate over the constitutional implications of the electoral date, a debate in which all sides have strong arguments. Every constitutional order eventually faces such dilemmas, and Constitutions are strengthened by overcoming them. There is no higher responsibility in Afghanistan right now than that of the three branches of government to find a solution to the constitutional issue in a way that ensures the existence of a functioning Government between 22 May and the inauguration of the next presidential term. The country's leaders must place the political stability of their country at the centre of their calculations, as they have done at crucial moments over the past seven years.

87. Preparations for the 20 August 2009 elections will likely take place during a period of intensified fighting. For the first time, the Independent Electoral Commission has the primary responsibility for organizing the elections, with the financial and technical support of the international community. The fact that voter registration was concluded successfully and without major incidents,

even in the more volatile areas of the country, is a positive development that must be built upon. There must be no doubt in the mind of any Afghan that elections will be held as scheduled. These elections must be held in as secure an environment as possible, where the freedoms of expression, media and assembly that democracy requires are guaranteed as much as possible.

88. While there are many reasons to believe that security in Afghanistan will worsen in 2009, there are also reasons for medium-term optimism. A judicious deployment of additional international troops, with its primary goal being the security of the Afghan people, will be a welcome development. It can increase the number of trainers for Afghan security forces, help secure the electoral environment and enhance the strength of the Government so that it may conduct with confidence a dialogue aimed at bringing its opponents into a political process of reconciliation and a cessation of violence. I have noted and welcomed the agreement between the Afghan Minister of Defence and the Commander of ISAF, aimed at minimizing civilian casualties. Such practical steps constitute an emphatic recognition that the occurrence of civilian casualties has become too debilitating to ignore. My Special Representative has been active in both raising this issue and seeking solutions, and will continue to do so. On the other hand, it is clear that most civilian casualties are the result of insurgents whose attacks show an increasing disregard for the lives of civilians.

89. It is easy and tempting to overlook, in the reports of violence and instability, key areas of progress in Afghanistan, which provide a narrow window of opportunity that must not be missed. These developments over the past six months are the results of concerted efforts by the Government of Afghanistan and the international community to work together towards common goals. They are, in many ways, the results of a more diligent application of the strategy defined above.

90. First, in the security sector, the new Minister of Interior has begun an active reform of his Ministry and the police ranks. Afghan security ministers are now cooperating with each other more effectively, and have successfully uncovered terrorist networks and plans before they could be executed. This progress must be built on, in particular by supplying additional mentoring teams for the police.

91. Second, the prognosis for poppy production in 2009 indicates a possible further reduction of 20 to 30 per cent and a potential increase in the number of poppy-free provinces. In many provinces, the actions of provincial governors were decisive in bringing about these developments. The Good Performers Initiative for Governors, a mechanism that builds on these successes, is one of the most promising ways to reduce poppy production. Unfortunately, it is financed by only a few donors, and needs far greater support from others. Should the prognosis become a reality, 2009 would be the second year in a row of overall decline in poppy production, after five years of constant increases.

92. The new Minister of Agriculture is determined to increase agricultural production and to energize this neglected sector. We have seen in the health and education sectors how determined ministers, with international support, can deliver results in Afghanistan. With new Ministers of Agriculture, Commerce and Finance, I am also convinced that the Government's economic team will

work in a more effective and coherent way. That could enable more effective implementation of Afghan strategies, as well as economic growth.

93. One must look beneath the relentless reports of the instability in Afghanistan's south to see these positive developments, which are neither accidental nor negligible. They are, instead, the result of the convergence of thinking about Afghanistan that took concrete form at the Paris Conference, and then the diligent and often quiet pressure to implement the Paris commitments. These modest but definite results are the source of my confidence in our strategy.

94. For the United Nations, the past year has been one of shaping UNAMA to better meet the expectations placed upon it. My Special Representative, as head of UNAMA, has reorganized the Mission to meet the needs of 2009. I am grateful to the General Assembly for its understanding that this required significantly greater resources.

95. The staff of UNAMA remain the key assets of the Mission. I commend them for their commitment and work. I should also like to thank all of the Mission's partners, including the United Nations country team and other humanitarian agencies. Finally, I express my gratitude to my Special Representative, Kai Eide, for his dedication, perseverance and perspicacity, and to Member States and other international organizations for the support they continue to lend to his and the Mission's work.

United Nations S/2009/136

Security Council

Distr.: General
10 March 2009

Original: English

Letter dated 6 March 2009 from the Secretary-General addressed to the President of the Security Council

I have the honour to refer to Security Council resolution 1853 (2008) concerning Somalia, adopted on 19 December 2008. In paragraph three of the resolution the Council decided to extend the mandate of the Monitoring Group and requested me to take the necessary administrative measures to re-establish the Monitoring Group for a period of 12 months.

Accordingly, I wish to inform you that, after consulting with the Security Council Committee established pursuant to Security Council resolution 751 (1992) concerning Somalia, I have appointed the following experts:

Gregory Beals, United States of America (armed groups expert)
Matt Bryden, Canada (regional expert)
Charles M. Lengalenga, Zambia (finance expert)
Jörg Roofthooft, Belgium (transport/maritime expert)

I have also designated Matt Bryden to serve as Coordinator of the Monitoring Group.

I should be grateful if you would bring this information to the attention of the members of the Security Council.

(*Signed*) **Ban** Ki-moon

09-25997 (E) 110309

United Nations S/2009/137

Security Council

Distr.: General
10 March 2009

Original: English

Letter dated 10 March 2009 from the Chargé d'affaires a.i. of the Permanent Mission of the Islamic Republic of Iran to the United Nations addressed to the President of the Security Council

Upon instructions from my Government and with reference to certain distortions and allegations made against the peaceful nuclear programme of the Islamic Republic of Iran by certain Security Council members, in particular the United States of America, the United Kingdom of Great Britain and Northern Ireland and France, at the 6090th meeting of the Council, held on 10 March 2009, I wish to state the following:

The Islamic Republic of Iran has always been a committed member of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) regime and the International Atomic Energy Agency (IAEA) and the peaceful nature of Iran's nuclear programme has been confirmed by the realities on the ground as well as various IAEA reports, which, inter alia, stress that "the Agency has been able to continue to verify the non-diversion of declared nuclear material in Iran". Also, the Director General of IAEA has stressed in several of his statements that "there is no evidence that Iran's enrichment of uranium is intended for a military nuclear programme".

Moreover, by its robust and extensive cooperation with IAEA, the Islamic Republic of Iran has not only made it possible for the Agency to have thousands of person/day inspections of Iranian nuclear facilities, it has also concluded and implemented, with utmost seriousness, a workplan with the Agency that has led to the resolution and closure of all six outstanding issues. The reports of IAEA, including the latest ones, clearly attest to the exclusively peaceful nature of the nuclear programme of the Islamic Republic of Iran, both in the past and at present. The said reports also show that Iran is fully committed to its international obligations with regard to its peaceful nuclear programme and has been cooperating with the Agency in a responsible and transparent manner. Iran's cooperation with IAEA has gone far beyond its treaty obligations and the latest report of the Agency attests to this important fact by stating that "Since March 2007, a total of 21 unannounced inspections have been carried out at the fuel enrichment plant (FEP)". In its reports, the Agency has also emphasized, several times, its conclusion that "Iran's statements are consistent with other information available to the Agency".

By resolving the last six outstanding issues according to the agreed workplan on the one hand, and conducting its present activities under the full

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and continuous monitoring of IAEA, based on the Agency's statute, the Treaty on the Non-Proliferation of Nuclear Weapons and the comprehensive safeguards agreement on the other, the Islamic Republic of Iran has removed any so-called concerns or ambiguities with regard to its peaceful nuclear activities in the past and at present and therefore the distortions and allegations made against my country's peaceful nuclear programme, including those made in today's meeting of the Council, are entirely groundless.

The Islamic Republic of Iran has taken various steps to allay any possible concerns about the issue and has stressed, time and again, its support for meaningful, non-conditional and serious negotiations.

I would be grateful if you could have the present letter circulated as a document of the Security Council.

(*Signed*) Eshagh **Al Habib**
Ambassador
Chargé d'affaires a.i.